

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

REPORT OF PARTIES' RULE 26(f) PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held by telephone on September 27, 2006, and was attended by:

Derrick Blythe, Esq. - attorney for the plaintiff; and

J. Tobias Dykes, Esq. - attorney for the defendant Merchant Foodservice.

2. Pre-discovery Disclosures. The parties will exchange the information required by Fed. R. Civ. P. 26(a)(1) by **October 13, 2006**.

The parties jointly propose to the Court the following discovery plan:

Discovery will be needed on plaintiff's claims, defendant's affirmative defenses, and the damages claimed by the plaintiff.

All discovery should be commenced in time to be completed by **June 29, 2007**.

Interrogatories (Responses due 30 days after service)

Maximum of 30 interrogatories. Plaintiff may submit a total of 30 interrogatories to defendant, including discrete subparts; and defendant may submit a total of 30 interrogatories to plaintiff, including discrete subparts, without prior approval of the Court.

Requests for Production of Documents (Responses due 30 days after service)

Maximum of 30 requests for production. Plaintiff may submit a total of 3- requests for production to defendant, including discrete subparts; and that defendant may submit a total of 30 requests for production to plaintiff, including discrete subparts, without prior approval of the Court.

Requests for Admissions (Responses due 30 days after service)

Maximum of 15 requests for admissions. Plaintiff may submit a total of 15 requests for admissions to defendant, including discrete subparts; and that defendant may submit a total of 15 requests for admissions to plaintiff, including discrete subparts, without prior approval of the Court.

Depositions

Depositions shall be limited to a maximum of seven (7) hours each unless extended by agreement of the parties or by direction of the Court.

Maximum of 8 depositions

3. Reports from retained experts under Rule 26(a) (2) due:

From the plaintiff by **March 9, 2007**; and

From the defendant by **April 6, 2007**.

Supplementation under Rule 26(e), no later than 30 days before trial.

4. Other Items:

- a. The parties do not request a conference with the Court prior to the entry of the Scheduling Order.
- b. The plaintiff should be allowed until **December 1, 2006**, to join additional parties and to amend the pleadings.
- c. The defendant should be allowed until **January 5, 2007**, to join additional parties and to amend the pleadings.
- d. All potentially dispositive motions should be filed by **May 11, 2007**.
- e. Settlement cannot be realistically evaluated prior to at least some discovery.
- f. The parties request a final pretrial conference on **August 17, 2007**.
- g. Final lists of trial evidence under Rule 26(a)(3) should be exchanged 30 days before trial. The parties also agree to a 14-day period within which to file their written objections to exhibits and witnesses.
- h. The case should be ready for trial by **September 24, 2007**, and at this time, is expected to take approximately 2-3 days.

s/ Derrick Blythe

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s/ J. Tobias Dykes

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